In the Central Information Commission
at
New Delhi

File No: CIC/WB/A/2010/000782-AD

Date of Hearing : January 5, 2011
Date of Decision : January 5, 2011

Parties:

Applicant
Shri P. Kumaresan
#160, Ganesapuram Road
Nagercoil
Kanyakumari 629 001
Tamil Nadu

The Applicant was not present for the hearing

Respondent
All India Council for Technical Education
7th Floor, Chander Lok Building
Janpath
New Delhi

Represented by : Shri D.R.Bhat, PIO & UDC and Shri Gulshan Choudhary, DEO

Information Commissioner : Mrs. Annapurna Dixit

Decision Notice

As given in the decision
In the Central Information Commission
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ORDER

Background

1. The Applicant filed an RTI application dt.26.11.09 with the PIO, AICTE, New Delhi. He stated that Southern Regional Officer, AICTE vide his order dt.10.6.09 had withdrawn the approval to four polytechnic colleges. Thereafter on 19.6.09, he had cancelled the said orders dt.10.6.09 and accorded approval to the four polytechnic colleges imposing fine and 10% reduction in intake on each polytechnic college. In this context, he sought information against 6 points with regard to his complaint dt.16.10.09, a copy of which he enclosed along with his RTI application. Dr.Manish Bhalla, CPIO transferred the RTI application to Southern Regional Office, AICTE on 2.12.09. Shri Sandeep Singhal, Regional Officer, Southern Regional Office, AICTE vide his letter dt.10.12.09 transferred the RTI application back to CPIO, AICTE, New Delhi stating that since the information sought by the information seeker vide his letter dt.26.11.09 should be provided only by AICTE, New Delhi. On not receiving any further reply, the Applicant filed an appeal dt.5.5.09 with the Appellate Authority reiterating his request for the information. On not receiving any reply from the FAA, the Applicant filed a second appeal dt.5.7.10 before CIC.

Decision

2. During the hearing, the Respondents submitted that the letter dt.10.12.09 from the Southern Regional Office had not received by them. Hence he had assumed that information had been provided by the PIO Southern Regional Office. When queried by the Commission as to why no action had been taken on the first appeal, the Respondent was unable to reply.

3. The Commission received a rejoinder dt.4.1.11 from Shri D.R.Bagat, PIO & UDC who stated that all the dealing assistants (DEOs) and CPIO who were dealing with the RTI matters during the above period (2009) were on contract/deputation basis and were engaged through a manpower agency and that (DEOs) had left the office on completion of their tenure of appointment. Under the circumstances, the office found it very difficult to trace the old files/records. He further explained that
the complaints against AICTE approved Institutions are being received in PG Cell and are being sent to the concerned Bureaus to be examined and for information to be provided. Under these circumstances, the concerned Bureau (Approval Bureau) was requested to intimate whether such complaint was received in their Bureau and if so a copy of the information supplied/action taken may be intimated to the CPIO immediately and that in case, it is not received earlier, this complaint may now be examined on top priority basis and the information may be supplied immediately but latest by 4.1.11 in order to supply the same at the time of hearing on 5.1.11. The Approval Bureau vide their note dt.4.1.11 had intimated that as this is a case of Polytechnics, the Regional Officer and the concerned State Govt. (through State Level Committee) deal with approval of polytechnics. The SRO on its part has informed that the matter is with CBI, Chennai and that they are investigating the case.

4. The Commission after hearing the submission of the Respondents and on perusal of submissions on record, directs the PIO, AICTE to provide the status with regard to the complaint dated 16.10.09 related to restoration of orders dated 10.6.09 so, as also copies of all communication in this regard to the Appellant by 5.2.11 and the Appellant to submit a compliance report to the Commission by 11.2.11.

5. The Commission also directs the Appellate Authority to show cause as to why disciplinary action should not be recommended against him for not responding to the first appeal within the stipulated time period as prescribed in the RTI Act. He is directed to submit his written response to the Commission by 15.2.11.

6. The appeal is disposed of with the above directions.

(Annapurna Dixit)
Information Commissioner

Authenticated true copy

(G.Subramanian)
Deputy Registrar
Cc:

1. Shri P. Kumaresan  
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   Kanyakumari 629 001  
   Tamil Nadu

2. The Public Information Officer  
   All India Council for Technical Education  
   7th Floor, Chander Lok Building  
   Janpath  
   New Delhi

3. The Appellate Authority  
   All India Council for Technical Education  
   7th Floor, Chander Lok Building  
   Janpath  
   New Delhi

4. Officer Incharge, NIC